

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

31-20

ERIC C. MARTIN,

AMENDED NOTICE OF
CLAIM

Claimant,

v.

TOWN OF TONAWANDA NEW YORK POLICE DEPARTMENT,
on behalf of the TOWN OF TONAWANDA, NEW YORK,
Respondents.

PLEASE TAKE NOTICE, that ERIC C. MARTIN, the Claimant, by his attorney, John Feroleto, with offices located at 438 Main Street, Suite 910, Buffalo, New York 14202, hereby make claim against the TOWN OF TONAWANDA POLICE DEPARTMENT, THROUGH ITS PERSONNEL WHOSE NAMES ARE CURRENTLY UNKNOWN, on behalf of the TOWN OF TONAWANDA, a municipal corporation, for damages sustained as follows:

1. Claimant, ERIC C. MARTIN, born on January 14, 1990, resides at 191 Brinton Street, Buffalo, New York 14216.
2. The incident occurred on the 9th day of July at approximately 1:30 p.m. at the Speedway convenient store, located at 535 Kenmore Avenue, Tonawanda, New York 14223.
3. The nature of the claim is for medical bills, pain, and physical injury, violation of rights afforded by 42 U.S.C. §1983, and other established rules and procedures, for wrongful arrest, unnecessary force, imprisonment, humiliation and unlawful search under the color of law, and in violation of the Constitution of the State of New York and the United States and other established rules and procedures.

4. On July 9, 2020, at approximately 1:30 p.m., while lawfully at the retail establishment known as Speedway, 535 Kenmore Avenue, Tonawanda, New York 14223, with his wife and children, a retail establishment frequented by ERIC C. MARTIN, as a law abiding retail customer, the TOWN OF TONAWANDA POLICE DEPARTMENT unnecessarily restrained, detained and arrested Mr. Martin, handcuffed him, and took him to the TOWN OF TONAWANDA POLICE DEPARTMENT at 1835 Sheridan Drive, Tonawanda, New York and strip searched him before releasing him. Mr. Martin was at the Speedway store with his family to redeem a \$50 pay out on a \$30 New York State lottery ticket he purchased the day before, July 8, 2020, at the same Speedway store, located at 535 Kenmore Avenue, Tonawanda, New York.

5. As a result of the above Mr. MARTIN suffered humiliation, trauma, and physical injuries to his left shoulder, left knee, neck, body and head. Medical expenses have accumulated, the exact amount of which is not presently available.

WHEREFORE, the Claimant requests compromise of this claim and if such claim is not paid within a reasonable period of time, it is the intention of the claimant to commence an action against the TOWN OF TONAWANDA POLICE DEPARTMENT, and TOWN OF TONAWANDA, NEW YORK.

DATED: Buffalo, New York
October, 2020



JOHN FEROLETO, ESQ.
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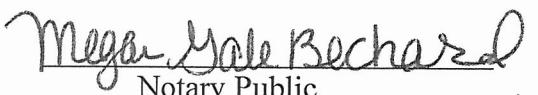
VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

ERIC C. MARTIN, JR., being duly sworn deposes and says he is the Claimant in the above-entitled action; he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, he believes them to be true.


ERIC C. MARTIN, JR.

Sworn to before me this 22nd
day of October 2020.


Megan Gale Bechard
Notary Public
(Comments)

